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BRIEFING PAPER

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Refugee assistance and admissions programs managed or overseen by the Bureau for Refugee Programs and the Office of the U.S. Coordinator for Refugee Affairs are affected or constrained by the following legislative provisions and Presidential Directives:

1. The Refugee Act of 1980. This act authorizes the President to appoint a U.S. Coordinator for Refugee Affairs with overall responsibility for the development of international and domestic refugee assistance policies, and (under the direction of the Secretary of State) discussions and negotiations with foreign governments and international organizations on refugee matters. This act also confirms the historic policy of the United States to assist refugees in countries of first asylum, contribute to their voluntary repatriation or resettlement, and admit refugees of "special humanitarian concern to the United States." Annual refugee admissions are limited to 50,000 in FY 1981 and 1982, unless the President decides, after Congressional consultations, to adjust the level to allow additional admissions that are "justified by humanitarian concerns" or are "otherwise in the national interest." While the requirement for consultations does not constitute a Congressional veto, it does entail the presentation by the President's cabinet-level designee before the House and Senate Judiciary Committees of detailed information on the level and allocation of admissions numbers among specific groups of concern, estimated costs of admission and resettlement, planned domestic assistance programs, and the projected socio-economic impact of the refugees on U.S. society. The admission of any refugees who cannot be accommodated under the admissions levels and allocations set by the President before the beginning of each fiscal year must be authorized by the President after new Congressional consultations as set out in the emergency group admissions procedures in the Act. Both regular and emergency refugee admissions are limited to applicants from third countries (or in specified cases applicants are still in their country of origin) who (1) meet the UN definition of a refugee by demonstrating a well-founded fear of political persecution if they were to return to their homeland; (2) meet immigration requirements such as a security check and screening for contagious diseases; and (3) are approved for entry by an INS officer.

2. Presidential Determination No. 80-28 of September 30, 1980. Sets refugee admissions for FY 1981 at 217,000.

3. The Migration and Refugee Assistance Act of 1962. The primary provisions of this act still in effect following passage of the Refugee Act are the authorization of (1) U.S. contributions to international organizations and private agencies involved in refugee relief, and (2) the U.S. Emergency Refugee and Migration Assistance Fund for "unexpected and urgent refugee and migration needs" (the Refugee Act of 1980 limits the authorized level of the Emergency Fund to $50 million).

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4. Executive Order No. 11077 of January 22, 1963. Authorizes the Secretary of State to allocate or transfer funds from the Emergency Fund to any agency for obligation or expenditure consistent with the provisions of the order, the 1962 Act or other applicable law.

5. Foreign Assistance Authorization Act of 1979. Authorizes U.S. participation in the Kampuchean relief effort through contributions to international organizations and voluntary agencies for direct humanitarian aid to the Kampuchean people and requires strict monitoring and reporting on distribution of food supplies and relief materials.

6. Presidential Determination No. 80-1 October 15, 1979. Determines that the general population of Kampuchea constitutes a class of refugees eligible for assistance under the 1962 Migration and Refugee Assistance Act.

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12/11/80 x25203

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